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DAS  
A

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

**ATTN: OFFICE OF PETITIONS**

Shinichi HANDA et al.

Group Art Unit: 2879

Application No.: 10/664,036

Examiner: S. ROY

Filed: September 17, 2003

Docket No.: 123776

For: PATTERN DISPLAY APPARATUS

**RENEWED PETITION TO  
REVIVE UNINTENTIONALLY ABANDONED APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition for revival of this application. The above-referenced application became abandoned on July 5, 2005, for failure to respond to an Office Action mailed April 4, 2005.

Applicants hereby provide the following required items for a grantable petition:

- (1) Petition Fee.

Check number 200275 in the amount of \$40.00 for the balance of the large entity petition fee under 37 C.F.R. §1.17(m). \$1,500 of the petition fee was paid with the original Petition to Revive Unintentionally Abandoned Application filed on October 2, 2006, which was dismissed by the Decision mailed October 9, 2007. Accordingly, it is believed that the original \$1,500 payment should apply to this renewed Petition. However, please credit or debit deposit account number 15-0461 as needed to ensure consideration of this petition.

12/13/2007 CNGUYEN2 00000044 10664036

01 FC:1453

1540.00 OP

(2) Complete Response and/or Fee.

The complete response to the Office Action, in the form of a Request for Reconsideration, was filed on October 2, 2006, and appears in the Image File Wrapper for this application under the October 2, 2006, entries entitled "Miscellaneous Incoming Letter" and "Applicant Argument/Remarks Made in an Amendment."

(3) Verified Statement.

The entire delay in responding to the Office Action, from its due date until the filing of this grantable petition, was unintentional. In support of this verified statement, attached is an executed Declaration in Support of Renewed Petition to Revive Unintentionally Abandoned Application from Roger Parkhurst, Applicants' prior representative and to whom the Office Action was originally mailed. The Decision mailed October 9, 2007, indicated that Applicants' previous Petition was dismissed, on the grounds that the Petition did not satisfy the "statement/showing" requirement of the Rules. The attached executed Declaration addresses the issues raised in the Decision.

Furthermore, since the abandonment of the application, Applicants' representatives have made a diligent effort to withdraw the holding of abandonment and/or have the application revived, and to prosecute the application, as evidenced by the numerous entries and papers appearing in the Image File Wrapper.

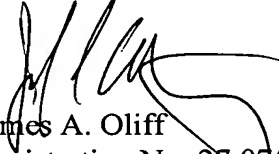
(4) Terminal Disclaimer.

A Terminal Disclaimer is not required in this application, as the application was not filed before June 8, 1995.

Applicants submit that the requirements for a grantable Petition to Revive Unintentionally Abandoned Application have been met. Accordingly, applicants respectfully request that this petition be granted, and that the October 2, 2006, Request for Reconsideration be accepted in response to the April 4, 2005, Office Action.

Should there be any questions regarding this matter, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Joel S. Armstrong  
Registration No. 36,430

JAO:JSA

Date: December 12, 2007

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p><b>DEPOSIT ACCOUNT USE AUTHORIZATION</b> Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 10/664,036

MAIL STOP PETITION

In re Application of:

Examiner: N. Patel

Shinichi HANDA et al.

Group Art Unit: 2879

Filed: September 17, 2003

Docket No. 123776

For: PATTERN DISPLAY APPARATUS

DECLARATION IN SUPPORT OF RENEWED PETITION TO  
REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

I, Roger W. Parkhurst, hereby declare and state:

1. Until at least May 27, 2005, I was attorney of record in the above-identified application, the attorney responsible for that application, and a partner in the law firm Parkhurst & Wendel, L.L.P., Alexandria, VA.

2. On or about May 3, 2005, the Parkhurst & Wendel L.L.P. attorneys' file of, and responsibility for prosecution of, the above-identified application were transferred to Oliff & Berridge, PLC, Alexandria, VA. I have been told that on or about May 27, 2005, Oliff & Berridge, PLC, filed a Power of Attorney and change of correspondence address for the above-identified application.

3. I have also been informed that the above-identified application became abandoned due to failure to file a timely response to an Office Action apparently mailed from the USPTO on April 4, 2005, the first page of which is attached hereto as Exhibit B. I note that the inside

address on that Office Action is to Parkhurst & Wendel, L.L.P., 1421 Prince St., Suite 210, Alexandria, VA 22314-2805.

4. I am also informed by Oliff & Berridge, PLC, that the attorneys' file of the above-identified application did not include at any time before July 4, 2005 any copy of an Office Action mailed from the USPTO on April 4, 2005, or any indication that any such Office Action had been received from the PTO while in the custody of Parkhurst & Wendel, L.L.P..

5. From the USPTO PAIR database a copy of an envelope [Exhibit C attached] bearing the USPTO return address and postmarked April 4, 2005, has recently been downloaded for me from the PTO file of this application. It would appear that said envelope may have been the envelope in which the aforementioned Office Action may have been mailed from the USPTO on April 4, 2005. However, the address area of that envelope appears to bear a sticker, apparently applied by the U.S. Postal Service (USPS), which sticker states: "NOTIFY SENDER OF NEW ADDRESS: PARKHURST & WENDEL, L.L.P., P.O. BOX 20249, ALEXANDRIA, VA 22320-1249."

6. On April 1, 2005, the practice of Parkhurst & Wendel, L.L.P., was, with minor exceptions including the above-identified application, moved into the practice of another firm in Washington, D.C. However, even during April 2005, at least one employee of Parkhurst & Wendel, L.L.P. was present during working hours at the Parkhurst & Wendel, L.L.P. offices at 1421 Prince Street, Alexandria, VA, 22314, so that it would have been possible in April 2005 for the USPS to make mail deliveries to Parkhurst & Wendel, L.L.P. at that address. Additionally,

before March 31, 2005, Parkhurst & Wendel, L.L.P. had contracted with the USPS for a Post Office Box, No. 20249, Alexandria, VA, 22320. Commencing April 3, 2005 mail delivered to that Post Office Box was regularly picked up from that P.O. Box by me, or Charles A. Wendel, Esq., the other partner of Parkhurst & Wendel, L.L.P. Such mail often included mail forwarded from the USPTO. Thus contrary to the statement in footnote 2 of the Decision mailed herein October 9, 2007, I have no reason to believe that the USPS attempted delivery to P.O. Box 20249 and found the aforementioned envelope "undeliverable" to that P.O. Box. I know of no evidence indicating that the aforementioned envelope [Exhibit C] was ever delivered to either the 1421 Prince Street address, or to Post Office Box 20249, in Alexandria, VA.

7. Throughout April and May, 2005, the computerized docket system of Parkhurst & Wendel, L.L.P. was maintained and kept current, under my supervision, so that any USPTO mail received by Parkhurst & Wendel, L.L.P., would have been docketed in that system. Attached hereto as Exhibit A, is a copy of the docket record of the above-identified application as it last appeared in the Parkhurst & Wendel, L.L.P. docket system, which Exhibit A indicates that the only due date pending in the above-identified application was a call-up to check status of the application after the filing of an RCE (Request for Continued Examination), which, according to the PAIR document description of documents in the official USPTO record [Exhibit D] was filed in the USPTO on January 18, 2005. The Exhibit A record from the Parkhurst & Wendel, L.L.P. docket system does not include any reference to any Office Action mailed from the USPTO on April 4, 2005. If any such Office Action had been received by Parkhurst & Wendel, L.L.P., an

entry therefor would have been entered in the Parkhurst & Wendel, L.L.P. docket system, and that entry would have been shown on the Exhibit A copy of the Parkhurst & Wendel, L.L.P. docket record for the above-identified application.

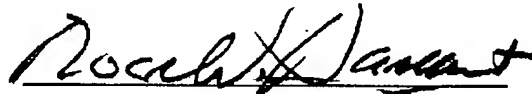
8. Similarly, any original Office Action received by Parkhurst & Wendel, L.L.P. would have been stamped with a date received stamp and physically entered in the attorneys' file of the above-identified application. I am told by Oliff & Berridge PLC that no such Office Action was present before July 4, 2005 in the attorneys' file which was transferred to Oliff & Berridge PLC on or about May 3, 2005. In fact, it is my understanding from the documents downloadable from the USPTO files of this application that the original April 4, 2005 Office Action was returned to the USPTO and is still physically present in the USPTO file.

9. I have no recollection of the Office Action apparently mailed by the USPTO on April 4, 2005 ever having been delivered to Parkhurst & Wendel, L.L.P., and the aforementioned evidence indicates to me that no such Office Action was ever delivered to Parkhurst & Wendel, L.L.P. and processed in accordance with standard procedures for docketing and handling such Office Actions by Parkhurst & Wendel, L.L.P.. I therefore have no reason to believe that the Office Action of April 4, 2005 was ever received by Parkhurst & Wendel, L.L.P.

10. I also declare and state that any abandonment of the above-identified application as a result of the aforementioned facts of which I am now aware, but was never aware of in April or May, 2005, and thus any delay in responding to the Office Action of April 4, 2005, was unintentional on the part of myself and Parkhurst & Wendel, L.L.P.

11. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true, and further these statements are made with the knowledge that willful false statements and the like so made are punishable by fine and/or imprisonment under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

December 10, 2007

  
Roger W. Parkhurst  
Registration No. 25,177

Attachments: Exhibits A - D

STEPTOE & JOHNSON LLP  
1330 Connecticut Avenue NW  
Washington DC 20036-1795  
Tel: (202) 429-6420  
Fax: (202) 429-3902





10/664,036  
Exhibit A

Rec.No.: 10156

File No.: DAIN:754

Client: KYOMA  
Client Code: DAIN  
Attorney: RWP/RNW  
Title: PATTERN DISPLAY APPARATUS

Type: P  
Status: P  
Due Date: 02-18-2005  
Action Req'd: Response To Final Action

Related Files:

Desor/Remarks:

Press <ESC> To Return To Prior Menu  
Use ↑ or ↓ Keys To Move Cursor  
Press <ENTER> Key To End Each Entry  
Press <END> Key To Store The Record

RECORD KEEPER

Date Opened: 09-15-2003  
Last Update: 07-20-2004

Country: US  
Ser. No.: 10/664,036  
Inventors: SHINICHI HANDA ET AL  
Inv-cont:  
Assignee: DAI NIPPON PRINTING  
Filing Date: 09-17-2003

Client Ref.: 144296US  
Associate:

Use <PgUp> And <PgDn> Keys  
To Browse Through The Records  
Press <DEL> To Delete Record  
Page 1

66

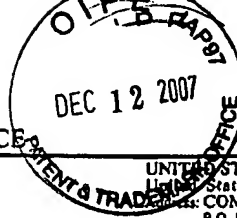
Rec. No.	ATTORNEY	FILE NO./ CLIENT	ACTION REQUIRED	DUE DATE
364	RWP/RNW KYOMA	DAIN:754	Response To Final Action Due STATUS AFTER RCE	05-18-2005

REPORT COMPLETED ON 11-29-2005 AT 07:45:45

EXHIBIT A



# UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,036	09/17/2003	Shinichi Handa	DAIN:754	2578

6160 7590 04/04/2005  
PARKHURST & WENDEL, L.L.P.  
1421 PRINCE STREET  
SUITE 210  
ALEXANDRIA, VA 22314-2805

EXAMINER

LEURIG, SHARLENE L

ART UNIT PAPER NUMBER

2879

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT B

Organization **IC 2800** Bldg./Room **Jeff**

U. S. DEPARTMENT OF COMMERCE

COMMISSIONER FOR PATENTS

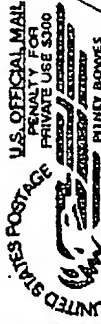
P.O. BOX 1450

ALEXANDRIA, VA 22313-1450

IF UNDELIVERABLE RETURN IN TEN DAYS

OFFICIAL BUSINESS

AN EQUAL OPPORTUNITY EMPLOYER



\$ 00.83<sup>00</sup>  
02 1A  
0004204034  
APR 04 2005  
MAILED FROM ZIP CODE 22314



WEND421\* 223142128 1405 04 04/10/05  
NOTIFY SENDER OF NEW ADDRESS  
:PARKHURST & WENDEL LLP  
PO BOX 20249  
ALEXANDRIA VA 22320-1249

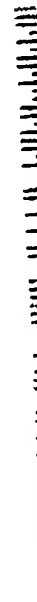
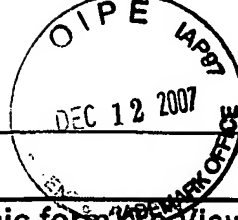


EXHIBIT C

10/664,036 Pattern display apparatus

12-10-  
2007::09:10:16

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

### Available Documents

	Document Description	Page Count
10-09-2007	<b>Petition Decision</b>	6
07-02-2007	Request for status of Application	2
10-03-2006	Abandonment	2
10-02-2006	Petition for review by the Office of Petitions.	2
10-02-2006	Miscellaneous Incoming Letter	1
10-02-2006	Applicant Arguments/Remarks Made in an Amendment	5
08-17-2006	Petition Decision	12
05-04-2006	Communication - Re: Power of Attorney (PTOL-308)	2
04-26-2006	Power of Attorney	2
03-01-2006	Request for status of Application	1
02-15-2006	Information Disclosure Statement (IDS) Filed	3
02-15-2006	NPL Documents	2
12-14-2005	Petition for review by the Office of Petitions.	19
05-27-2005	Power of Attorney	2
04-26-2005	Mail returned to USPTO as undelivered	10
04-04-2005	Non-Final Rejection	7
04-04-2005	List of References cited by applicant and considered by examiner	1
04-04-2005	List of references cited by examiner	1
04-04-2005	Index of Claims	1
04-04-2005	Search Information including classification, databases and other search related notes	1
03-29-2005	Examiner's search strategy and results	2
02-01-2005	Index of Claims	1
02-01-2005	Fee Worksheet (PTO-06)	1
01-18-2005	Request for Continued Examination (RCE)	1
01-18-2005	Amendment Submitted/Entered with Filing of CPA/RCE	1
01-18-2005	Claims	2
01-18-2005	Applicant Arguments/Remarks Made in an Amendment	8
01-18-2005	Information Disclosure Statement (IDS) Filed	4
01-18-2005	Foreign Reference	8
10-18-2004	Final Rejection	9
10-18-2004	List of References cited by applicant and considered by examiner	2
10-18-2004	Index of Claims	1
08-06-2004	Fee Worksheet (PTO-06)	1
08-06-2004	Claims Worksheet (PTO-2022)	1
07-29-2004	Amendment - After Non-Final Rejection	1
07-29-2004	Claims	4
07-29-2004	Applicant Arguments/Remarks Made in an Amendment	5
05-07-2004	Non-Final Rejection	6
05-07-2004	List of references cited by examiner	1
05-07-2004	Index of Claims	1
05-07-2004	Search information including classification, databases and other search related notes	1
04-21-2004	Examiner's search strategy and results	1
04-12-2004	Information Disclosure Statement (IDS) Filed	3
04-12-2004	NPL Documents	3

EXHIBIT D

04-12-2004	Foreign Reference	18
04-12-2004	Foreign Reference	12
04-12-2004	Foreign Reference	6
04-12-2004	Foreign Reference	58
03-11-2004	Information Disclosure Statement (IDS) Filed	3
03-11-2004	Foreign Reference	9
03-11-2004	Foreign Reference	18
12-17-2003	Oath or Declaration filed	5
12-17-2003	Request for Corrected Filing Receipt	3
12-12-2003	Pre-Exam Formalities Notice	1
11-26-2003	Oath or Declaration filed	8
11-26-2003	Certified Copy of Foreign Priority Application	29
09-17-2003	Transmittal of New Application	2
09-17-2003	Specification	23
09-17-2003	Claims	1
09-17-2003	Abstract	1
09-17-2003	Drawings-only black and white line drawings	4
09-17-2003	Application Data Sheet	6
09-17-2003	Fee Worksheet (PTO-06)	1

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